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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/083,601	05/22/1998	CHRISTOPH E. SCHEURICH	INTL0045USP5	4253

7590 03/22/2002
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EXAMINER

AN, SHAWN S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 03/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 09/083,601
Filing Date: 5/22/98
Appellant(s): Christoph E. Scheurich, et al.

MAILED
MAR 22 2002
Technology Center 2600

Fred G. Pruner, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed on 9/07/00 as Paper 12.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

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A statement is present identifying that there are no related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that claims 1-6 can be grouped together, claims 7-12 can be grouped together, claims 13-18 can be grouped together, and claims 19-24 can be grouped together is agreed with by the Examiner.

(8) *Claims Appealed*

The copy of the appealed claims contained in the appendix to the brief is correct.

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(9) Prior art of record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

6,037,991	Thro et al.	3/14/2000
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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-5, 7, 9-11, 13, 15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Thro et al (6,037,991) as was previously set forth in last Office action of 6/13/01 as Paper 4, and made final on 9/11/01 in the Office action of Paper 6.

Claims 19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Thro et al (6,037,991) as was previously set forth in last Office action of 9/11/01 as Paper 6, and made final on 9/11/01 in the Office action of Paper 6.

Claims 2, 6, 8, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thro et al as was previously set forth in last Office action of 6/13/01 as Paper 4, and made final on 9/11/01 in the Office action of Paper 6.

Claims 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thro et al as was previously set forth in last Office action of 9/11/01 as Paper 6, and made final on 9/11/01 in the Office action of Paper 6.

(11) Response to Argument

Appellant's arguments filed on 1/14/02 in the brief of Paper 11 have been fully considered but they are not persuasive. The Appellants present arguments contending the Examiner's rejection of claims 1, 3-5, 7, 9-11, 13, 15, 17-19, and 21-23 under 35 U.S.C. 102(e) as being anticipated by Thro et al as stated in the Grounds of Rejection and claims 2, 6, 8, 12, 14, 16, 20, and 24 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Thro et al as stated in

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the Grounds of Rejection. However, after careful consideration of the arguments presented, the Examiner must respectfully disagree for the reasons that follow and submit to the board that the rejection be sustained.

In response to Applicant's argument that the Thro et al reference fails to teach/suggest transmitting data at an adjusted resolution if a determination is made that is not possible to transmit data at a requested resolution and a requested frame rate (page 7, lines 6-8), the Examiner respectfully disagrees. Thro further teaches that "... depending on the received transmission frame rates for the two video signals, the video control server (104) might then truncate or otherwise adjust one or all of the received video signals (video frames) ... at a transmission frame rate compatible with the system communication resources ...(col. 6, lines 34-49), which inherently implies adjusting resolution if a determination is made that is not possible to transmit data at a requested resolution and a requested frame rate, because higher the transmission frame rate, lower the resolution per frame.

The Appellants present another argument of which Thro fails to teach/suggest a computer to determine whether it is possible to transmit data at a requested resolution and a requested frame rate, and if not, interact with a camera to transmit data at an adjusted resolution (page 8, lines 18-21). The Examiner respectfully disagrees. Thro clearly teaches a video control server (substantially the same as computer), as further discussed above, and a mobile device (101-103) determining whether it is possible to transmit data at a requested resolution and a requested frame rate (col. 3, lines 66-67 and col. 4, lines 1-3, 24-41), and if not, interact with a camera (116-119, 122) to transmit data at an adjusted resolution (col. 6, lines 34-49).

Furthermore, The Appellants' argument regarding claim 19 (page 9, D.) is substantially the same as claim 1. The only difference in claim 19 is adjusting image parameter, while claim 1 adjusts resolution. The claim 19 is even more broad than the claim 1. Therefore, since the claim 1 limitations have been met as discussed above, claim 9 limitations are automatically met based on claim 1 rejection.

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For the reasons discussed above, it is believed that the rejection should be sustained.

Respectively Submitted;



Christopher Kelley

Supervisory Patent Examiner

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Assistant Patent Examiner

March 20, 2002

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